

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**PETER LaGRAVE, as Trustee for the** )  
**Peter LaGrave Trust, Individually,** )  
**and on behalf of all others similarly** )  
**situated,** )

**Plaintiff,** )

**v.** )

**Case No. 08-cv-0667-MJR**

**H & R BLOCK, INC., H & R BLOCK** )  
**FINANCIAL ADVISORS, INC.,** )  
**AMERIPRISE FINANCIAL, INC., and** )  
**AMERIPRISE ADVISOR SERVICES,** )  
**INC.,** )

**Defendants.** )

**ORDER FOR DISMISSAL WITHOUT PREJUDICE**

**REAGAN, District Judge:**

Plaintiff has filed a notice of Rule 41(a) voluntary dismissal without prejudice (Doc. 69). Under Rule 41(a), a plaintiff may voluntarily dismiss claims as of right at any time before the filing of an answer or a motion for summary judgment. **FED. R. CIV. P. 41(a)(1)(A)(i); see *Crook v. WMC Mortgage Corp.*, No. 06-cv-535-JPG, 2006 WL 2873439, at \*1 (S.D.Ill. 2006), quoting *Hare v. Abbott Labs.*, No. 97 C 2692, 1997 WL 223056, at \*1 (N.D.Ill. 1997) (“A plaintiff's right to voluntary dismissal by notice before the filing of an answer or a motion for summary judgment is ‘absolute.’”).** “Unless otherwise stated in the notice of dismissal..., the dismissal is without prejudice[.]” **FED. R. CIV. P. 41(a)(1)(B).**

The Court’s review of the record discloses that Defendants have filed neither an answer nor a motion for summary judgment so as to foreclose Plaintiff’s right to voluntary dismissal by notice. Additionally, the Court notes that no class has been certified. The Court concludes that Plaintiff has an absolute right to dismiss this case at the present time. Accordingly, the Court

**DISMISSES** this action without prejudice and **DIRECTS** the Clerk of Court to close the case.

**IT IS SO ORDERED.**

**DATED this 27th day of August, 2009**

**s/Michael J. Reagan**

**MICHAEL J. REAGAN**

**United States District Judge**